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Brief Description: Creating the legacy trust for recreation and conservation.

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ELECTRONIC TRANSMITTAL

AN ACT Relating to the creation of the legacy trust for recreation and conservation; amending RCW 43.30.115 and 79.66.070; adding a new chapter to Title 79 RCW; and declaring an emergency.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

NEW SECTION. **Sec. 1.** The legislature finds that the state of Washington is endowed with a richness of federally granted state trust lands given to our state at its creation. This legacy provides a perpetual source of revenue set aside in trust to benefit generations of Washington citizens through support of education, public facilities, and other public purposes. These state trust lands, as well as state forest lands, may also provide for other public benefits. These may include economic, environmental, or social benefits, including public recreation, that arise coincidentally with ownership of a large public land base. Further, the legislature has established that it is the policy of the state to secure for present and future generations the benefits of a system of natural areas and conservation areas providing for a variety of public purposes including scientific research, ecological protection, outstanding scenery, and low impact public recreation.

The legislature further finds that use and enjoyment of these lands for recreation and conservation purposes is extensive and growing; that the quality of recreational experience, safety of the public, upkeep of the trails and facilities, and protection of the lands from ecological impacts may be in jeopardy; and that funding to support these recreation and natural area purposes has been declining in both real and per user terms.

The legislature further finds that the land endowment concept is as relevant today as it was at statehood; that substantial revenue can be perpetually earned from sustainable management of the resources on these lands; and that the creation of a new trust modeled on a durable concept and managed for the public to produce revenue is a viable and logical approach to funding support for recreation and natural areas.

Therefore, it is the intent of this act to establish the legacy trust for recreation and conservation, for the sole purpose of generating a stable, long-term revenue source to support recreational access and use on state-owned lands, and maintenance of designated natural areas and conservation areas, and where consistent with this purpose, to help retain working commercial forest land in the legacy trust as a vital component of Washington state's landscape.

NEW SECTION. **Sec. 2.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Conservation areas" means

(2) "Department" means the department of natural resources.

(3) "Legacy trust" means the legacy trust for recreation and conservation created in section 3 of this act.

(4) "Natural areas" has the same meaning as defined in RCW 79.70.020.

(5) "State-owned lands" include all lands belonging to or held in trust by the state that are managed by the department.

NEW SECTION. **Sec. 3.** The legacy trust for recreation and conservation is created as a trust. The legacy trust is composed of lands suitable for sustainable commercial forest management, commercial agriculture, or other commercial or industrial purposes. The legacy trust must be managed in trust to provide financial support for the management of public recreational access and use on state-owned lands, as well as management and protection of areas created under chapters

79.70 and 79.71 RCW and managed by the department.

NEW SECTION. **Sec. 4.** (1) The department is authorized to acquire, by purchase, gift, donation, grant, transfer, or other means, except eminent domain, fee interest or partial interest in lands or other real property suitable for management as part of the legacy trust, or lands or other real property whose acquisition can benefit the legacy trust.

(2) The department is authorized to receive funds for purposes of establishing the legacy trust from grants, gifts, bequests, or loans, whether public or private, as well as from legislative appropriation. All of the funds must be placed in the legacy and park land trust revolving fund created in RCW 43.30.115.

(3) All acquisitions of real property for the legacy trust must be approved by the board of natural resources. Prior to approving acquisitions involving urban property, the board shall seek advice from the land bank technical advisory committee established in RCW 79.66.070.

Sec. 5. RCW 43.30.115 and 2000 c 148 s 4 are each amended to read as follows:

The legacy and park land trust revolving fund is to be utilized by the department of natural resources for the exclusive purpose of acquiring real property, including all reasonable costs associated with these acquisitions, in order to assemble the land base for the legacy trust for recreation and conservation created in section 3 of this act, or as a replacement for the property transferred to the state parks and recreation commission, as directed by the legislature in order to maintain the land base of the affected trusts or under RCW 76.12.125. Proceeds received under section 4 of this act, or from transfers of real property to the state parks and recreation commission, or other proceeds identified from transfers of real property as directed by the legislature shall be deposited in this fund. Disbursement from the legacy and park land trust revolving fund to acquire (~~replacement~~) real property shall be on the authorization of the department of natural resources. In order to maintain an effective expenditure and revenue control, the legacy and park land trust revolving fund is subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditures and payment of obligations from the fund.

Sec. 6. RCW 79.66.070 and 1984 c 222 s 7 are each amended to read as follows:

(1) There is created a land bank technical advisory committee, consisting of three members. Membership shall consist of: One member qualified by experience and training in matters pertaining to land use planning and real estate appointed by the commissioner of public lands, one member qualified by experience and training in public trust matters appointed by the superintendent of public instruction, and one member qualified by experience and training in financial matters appointed by the state treasurer.

(2) The technical advisory committee shall provide professional advice and counsel to the board of natural resources regarding land bank sales, purchases, ~~((and))~~ exchanges involving urban property, and regarding acquisitions involving urban property for the legacy trust for recreation and conservation created in section 3 of this act.

(3) Members of the technical advisory committee shall be appointed for five-year terms and shall serve until a successor is appointed. In the case of a vacancy the vacancy shall be filled by the appointing authority. The initial term of the appointee of the commissioner shall expire in three years. The initial term of the appointee of the superintendent shall expire in four years. The initial term of the appointee of the treasurer shall expire in five years. All terms expire December 31st.

(4) Members of the technical advisory committee shall be reimbursed for travel expenses incurred in the performance of their duties under RCW 43.03.050 and 43.03.060.

NEW SECTION. **Sec. 7.** The state attorney general, as representative of the public and particularly those individuals who may be benefited from the legacy trust, has the exclusive authority to enforce the rights of the public to secure the proper administration of the legacy trust.

NEW SECTION. **Sec. 8.** (1) The department shall manage the legacy trust in the same manner as state lands, as the term "state lands" is defined in RCW 79.01.004. The valuable materials thereon may be sold or the land may be leased in the same manner and for the same purposes as is authorized for state lands, if the department finds such sale or lease to be in the best interests of the legacy trust and approves the

terms and conditions thereof.

(2) The department may exchange or directly transfer real property held in the legacy trust in the same manner and for the same purposes as state lands under chapter 79.01 RCW or RCW 79.08.180 (1) through (6). Legacy trust lands, once acquired, may be sold for any lawful purpose and in any parcel size with the approval of the board of natural resources. Sales must be either at public auction or by sealed bid, and no land may be sold for less than its appraised value. Any funds received as part of such an exchange, transfer, or sale, after deduction for reasonable costs associated with these transactions, must be placed in the legacy and park land trust revolving fund created in RCW 43.30.115 and used to acquire replacement real property for the legacy trust.

(3) Nothing in this section prevents the department from acquiring real property subject to encumbrances, if the board of natural resources finds that this is in the best interests of the legacy trust.

Nothing in this section prevents the department from placing or accepting restrictions on the deeds of lands acquired for the legacy trust, when consistent with the purpose of the legacy trust, so as to perpetuate sustainable commercial forest management on lands susceptible to conversion to nonforestry uses.

NEW SECTION. **Sec. 9.** (1) Notwithstanding RCW 84.36.010 or other statutes to the contrary, the department shall pay from the legacy and park land trust revolving fund created in RCW 43.30.115, by April 30th of each year, on legacy trust lands acquired from private landowners in each county, an amount in lieu of real property taxes equal to that amount paid on similar parcels of land taxable under Title 84 RCW.

(2) Legacy trust land subject to payments to counties in lieu of property taxes under subsection (1) of this section are not subject to the compensating tax provided for in RCW 84.33.120 and 84.33.140, the additional tax provided for in RCW 84.34.108, or the leasehold excise tax provided for in chapter 82.29A RCW.

NEW SECTION. **Sec. 10.** The legacy trust land management account is created in the state treasury. All receipts from up to thirty percent of the revenue derived from management of real property held in the legacy trust, as determined by the board of natural resources, must be deposited into the account. Moneys in the account may be spent only

after appropriation. Expenditures from the account may be used only for the purposes of carrying on the management activities of the department on legacy trust lands, and for reimbursement, along with interest, of expenditures that have been made or may be made from the resource management cost account or the forest development account.

NEW SECTION. **Sec. 11.** The legacy recreation and conservation trust account is created in the state treasury. All receipts from moneys received for the management of real property held in the legacy trust, less the money deposited in the legacy trust land management account created in section 10 of this act, must be deposited into the account. Moneys in the account may be spent only after appropriation.

Expenditures from the account may be used only for the support and management of recreation, natural areas, and conservation areas on state-owned lands under chapters 79.68, 79.70, and 79.71 RCW, consistent with the plans developed under section 12 of this act.

NEW SECTION. **Sec. 12.** Prior to a legislative session in which the department first requests an appropriation from the legacy recreation and conservation trust account created in section 11 of this act, the department shall develop a six-year expenditure strategy to guide requested appropriations from the account. The expenditure strategy must be developed so as to achieve the purpose of this chapter. The expenditure strategy must identify and prioritize expenditures including, but not limited to: (1) Operation and maintenance and capital upgrade, repair, replacement, restoration, and new construction of facilities, trails, and access for dispersed recreation activities; (2) maintenance and stewardship of natural areas and conservation areas including, but not limited to, environmental restoration, weed control, facilities upgrade, repair, replacement, and new construction; and (3) public education, volunteer support, and law enforcement. Expenditures from the legacy recreation and conservation trust account may not be used to offset expenditures necessary to cover the costs of road system management attributable solely to the generation of revenue from state-owned lands. However, expenditures may be made for road improvements necessary for public safety or for continuation of public access to state lands for recreational purposes. The department shall update the expenditure strategy at least every two years. The department may establish ad hoc review committees to assist in the

development of the expenditure strategy.

NEW SECTION. **Sec. 13.** No later than September 1st of any even-numbered year, the department shall submit to the appropriate committees of the house of representatives and senate and to the office of financial management the current six-year expenditure strategy prepared under section 12 of this act in support of its biennial appropriation request from the legacy recreation and conservation trust account created in section 11 of this act.

NEW SECTION. **Sec. 14.** Funds in the legacy recreation and conservation trust account, created in section 11 of this act, that are in excess of amounts needed in any biennium to carry out the activities identified in the six-year expenditure strategy developed under section 12 of this act, may be appropriated by the legislature for purposes similar to and consistent with the purpose of the legacy trust.

NEW SECTION. **Sec. 15.** Sections 1 through 4, 7 through 14, and 16 of this act constitute a new chapter in Title 79 RCW.

NEW SECTION. **Sec. 16.** If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

NEW SECTION. **Sec. 17.** This act is necessary for the immediate preservation of the public peace, health, or safety, or support of the state government and its existing public institutions, and takes effect immediately.